

Suspending limitations on conference committee jurisdiction, H.B. No. 20 (Murr / Huffman)

By: Huffman

S.R. No. 551

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 20 (rules for setting the amount of bail, to the release of certain defendants on a monetary bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 4 of the bill, in added Articles 17.021(b), (d), (e), and (f), Code of Criminal Procedure, to read as follows:

(b) The public safety report system must:

(1) state the requirements for setting bail under Article 17.15;

(2) incorporate a form that must be signed by the person setting bail and that lists each factor provided by Article 17.15(a) and requires the person setting bail to certify on the form that the person considered each of those factors;

(3) provide information on the eligibility of the defendant for a personal bond;

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(4) provide, in summary form, the criminal history of the defendant;

(5) provide information regarding the applicability of any required or discretionary bond conditions; and

(6) collect information on the bail decision.

(d) The public safety report system may not:

(1) be the only item relied upon by a judge or magistrate in making a bail decision; or

(2) include a score, rating, or assessment of a defendant's risk or make any recommendation regarding the appropriate bail for the defendant.

(e) As a component of the public safety report system, the office shall electronically collect each form completed under Subsection (b)(2) and shall use those forms to collect data regarding the number of defendants for whom bail was set during the preceding state fiscal year, including:

(1) the number for each category of offense;

(2) the number of personal bonds; and

(3) the number of monetary bonds.

(f) Not later than December 1 of each year, the office shall submit a report containing the data collected from the public safety report system during the preceding state fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary.

Explanation: This change is necessary to clarify the

requirements of the public safety report system.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 5 of the bill, in added Article 17.03(b-2), Code of Criminal Procedure, to read as follows:

(b-2) Notwithstanding any other law, a defendant may not be released on personal bond if the defendant:

(1) is charged with an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20A.02 (trafficking of persons);

(D) Section 20A.03 (continuous trafficking of persons);

(E) Section 21.02 (continuous sexual abuse of young child or children);

(F) Section 21.11 (indecency with a child);

(G) Section 22.01(a)(1) (assault), if the offense is punishable as a felony of the second degree under Subsection (b-2) of that section;

(H) Section 22.02 (aggravated assault);

(I) Section 22.021 (aggravated sexual assault);

(J) Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, indecent

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assault, stalking, or trafficking case);

(K) Section 25.11 (continuous violence against the family);

(L) Section 38.14 (taking or attempting to take weapon from peace officer, federal special investigator, employee or official of correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer);

(M) Section 43.04 (aggravated promotion of prostitution);

(N) Section 43.05 (compelling prostitution); or

(O) Section 43.25 (sexual performance by a child); or

(2) while released on bail or community supervision for an offense listed in Subdivision (1), is charged with committing:

(A) an offense under the following provisions of the Penal Code:

(i) Section 22.01(a)(1) (assault);

(ii) Section 22.05 (deadly conduct);

(iii) Section 22.07 (terroristic threat); or

(iv) Section 42.01(a)(7) or (8) (disorderly conduct involving firearm); or

(B) any offense punishable as a felony.

Explanation: This change is necessary to clarify which

persons are ineligible to be released on personal bond.

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 7 of the bill, in added Article 17.15(a)(6), Code of Criminal Procedure, to read as follows:

6. The criminal history record information for the defendant, including information obtained through the statewide telecommunications system maintained by the Department of Public Safety and through the public safety report system developed under Article 17.021, shall be considered, including any acts of family violence, other pending criminal charges, and any instances in which the defendant failed to appear in court following release on bail.

Explanation: This change is necessary to explain the responsibilities of a person setting bail with respect to a defendant's criminal history.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 10 of the bill, in added Article 17.50(h), Code of Criminal Procedure, to read as follows:

(h) The clerk of the court is not required to send a copy of an order under Subsection (a) if the Office of Court Administration of the Texas Judicial System develops a means to cause a notice of conditions of release on bond to be electronically delivered to the applicable parties required by that subsection.

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Explanation: This change is needed to provide for an alternative means of delivery for certain notices.

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 30, 2021, by the following vote: Yeas 21, Nays 10.

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Secretary of the Senate